

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On April 11, 2011 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regularly scheduled meeting on April 11, 2011 in the State Office Building.

Members Present: Edwin S. Greenberg, Chairman
Bennett Millstein, Vice-Chairman
Bruce Josephy, Secretary
Mark A. Norman
Pasquale A. Pepe
John P. Valengavich

Staff Present: Brian A. Dillon, Director
Mary Goodhouse, Real Estate Examiner

Chairman Greenberg called the meeting to order.

Mr. Josephy moved and Mr. Norman seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF April 4, 2011. Mr. Norman moved and Mr. Josephy seconded a motion to accept the minutes of April 4, 2011. The motion passed unanimously.

REAL ESTATE - UNFINISHED BUSINESS - DEPARTMENT OF TRANSPORTATION

PRB # 11 - 045 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 171-305-125
Grantor : SPX Precision Components LLC
Property: 300 Fenn Road, Newington

Project Purpose: New Britain/Hartford Busway
Item Purpose: Acquisition of a 4,381 SF transportation easement, 1,411 SF easement to slope for drainage and safety, 675 SF DROW and right to install 96 LF of drainage

PRB # 11 - 051 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 171-305-040
Grantor : Blu Sky Investors, LLC
Property: 91 and 111 Holmes Road, Newington, CT

Project Purpose: New Britain/Hartford Busway
Item Purpose: 91 Holmes Road - Acquisition 160 sq.ft. easement for transportation purposes and a 4,415 sq. ft. easement to slope for drainage associated site improvements.
111 Holmes Road - Acquisition 4,136 sq.ft. of land, 4,868 sq. ft. easement for transportation purposes, 1,180 sq. ft. easement to slope for drainage associated site improvements and a 213 sq. ft. easement for a drainage right of way.

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PRB # 11 - 052 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 171-305-079
Grantor : 570 New Park Avenue, LLC
Property: 570 New Park Avenue, West Hartford, CT

Project Purpose: New Britain/Hartford Busway
Item Purpose: Acquisition of 1,084 sq. ft. of land, 1,756 sq.ft. easement for transportation purposes and a 1,172 sq. ft. temporary construction easement.

PRB # 11 - 053 **Transaction/Contract Type:** RE / Administrative Settlement
Origin/Client: DOT / DOT
Project Number: 063-643-003
Grantor : Harsco Corporation
Property: 540 Flatbush Avenue, West Hartford, CT

Project Purpose: New Britain/Hartford Busway
Item Purpose: Acquisition of 5,395 sq. ft. easement for transportation purposes, 7,637sq. ft. easement for permanent access,70+ sq. ft. to slope for drainage of highway, 3,415 sq. ft. to construct driveway and grate, 180 L.F. to install chain link fence gates and 13 sq. ft. for metal beam rail.

PRB # 11 - 056 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 171-305-064
Grantor : Holo-Krome Company
Property: 60 Brook Street, West Hartford, CT

Project Purpose: New Britain/Hartford Busway
Item Purpose: Acquisition of 945 sq. ft. of land for transportation purposes, 3,465 sq. ft. easement for transportation purposes and 3,598 sq. ft. easement for temporary access.

PRB # 11 - 057 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 171-305-068
Grantor : Ballys Refs West Hartford, LLC
Property: 1031 New Britain Avenue and 27 South Street, West Hartford, CT

Project Purpose: New Britain/Hartford Busway
Item Purpose: Acquisition of 7,606 s.f. access easement for transportation purposes.

Mr. Dillon said that the six agenda items referenced above have been favorably reviewed at prior Board meetings but approval by the Board had been withheld, pending the Governor Malloy's decision on whether or not to proceed with the construction of the New Britain/Hartford Busway, which affirmative decision was announced on April 4, 2011. Consequently, he recommended approval of the six agenda items at this time.

REAL ESTATE - UNFINISHED BUSINESS – DEPARTMENT OF AGRICULTURE

PRB # 11 - 035 **Transaction/Contract Type:** RE / Lease-Out
Origin/Client: DOA / DOA
Lessee: Abell, Kim & Shaw, Mike
Property: N/S Norwich-Colchester Road (a/k/a Norwich Ave.), W/S Geer Road, and E/S and W/S of Roger Foote Road, LEBANON & COLCHESTER CT

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Project Purpose: Agricultural Lease Agreement, Lebanon and Colchester
Item Purpose: To lease a total of 163 acres of land (Area 1: 16 acres; Area 2: 92 acres; and Area 3: 55 acres) located on the Lebanon Agricultural Reserve a/k/a Savin Farm, with improvements, for use as a dairy facility and cottage.

PRB # 11 - 064 **Transaction/Contract Type:** RE / Lease-Out
Origin/Client: DOA / DOA
Lessee: Cushman Farms Limited Partnership
Property: S/S Norwich-Colchester Road (a/k/a Norwich Ave.), W/S Geer Road, and E/S and W/S of Roger Foote Road, LEBANON & COLCHESTER CT

Project Purpose: Agricultural Lease Agreement, Lebanon and Colchester
Item Purpose: To lease a total of 92.8 acres of land (located on the Lebanon Agricultural Reserve a/k/a Savin Farm, to plant and harvest crops.

Mr. Greenberg discussed the Board's April 8, 2011 inspection of the Lebanon Agricultural Reserve and indicated his support for the proposals in that he recognized the challenges facing the Connecticut dairy industry. Mr. Norman noted that the selection of lessees was based on an open, competitive process. The proposals concern agricultural leases at the 573.494 acre Savin property, purchased in 1993. At that time, the Commissioner of Agriculture formed a Task Force to recommend future uses for the property. The Task Force Report made short, intermediate and long term recommendations which included cropland lease areas, livestock lease areas, aquaculture lease areas, and identified areas that would appropriately be managed jointly with DEP for wildlife and forestry purposes. Section 22-26jj(d) gives the Commissioner the authority to lease property if approved by OPM as part of "demonstration project". OPM participated in the Task Force Report, and consequently approved the use of the property for demonstration projects in 1995. Agriculture continues to lease the property as a demonstration project, and the current proposals are a continuation of that policy. The lease term is for five years, with two five-year renewals. Payments are deposited by DoAG in a non-lapsing account for the maintenance of the Lebanon Agricultural Reserve.

With respect to PRB #11-035, Agriculture reviewed the proposals and selected the Kim Abell and Mike Shaw, because their proposal satisfied the criteria given priority by the Department for good credit, good history of maintenance of a farm, incubator of new farm business or strategic growth in existing business, presence of farmer 24/7, and desire to maintain farm as an active dairy. The base rental rate of \$1,700/ month is net to the Department of Agriculture, as proposed by the successful bidder. The rental rate will be adjusted annually based on the price of milk as established by the Northeast Federal Milk Order.

With respect to PRB #11-064, Agriculture will lease out an area of approximately 92.8 acres of cropland, on the south side of the Norwich-Colchester Road. The base rental rate of \$6,032/year is \$65/acre.

REAL ESTATE - NEW BUSINESS

PRB # 11 - 061 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 107-167-012
Grantor : Xhemal Dani, et al
Property: 63 Triangle Boulevard, Middlebury

Project Purpose: Oxford Airport Federal Aviation Regulation, Part 150 Study, Middlebury
Item Purpose: Acquisition of 1.06+/- acres of land, in fee, together with improvements situated thereon, a "total take".

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In January 2009, DOT received approval from the Federal Aviation Administration to conduct a federal program for the voluntary acquisition of 72 single-family homes impacted by incompatible noise levels generated by the Waterbury-Oxford Airport. The 72 homes lie within the Runway Projection Zone, are adjacent to it, or are within certain decibel day night level (DNL) noise contours.

With respect to PRB #11-061, DOT proposes to acquire the subject property in total, consisting of 1.06 acres (46,174 SF) improved with a 1,818 SF raised ranch style dwelling, with 7 rooms above grade (4 bedrooms, 2 baths), with a finished basement area of 1,050 SF that includes an additional bath. There is a two-car garage, under, and all improvements are in "good" condition. There is a public sanitary sewer system and private water well. The zone is R-40, and the current use is in a non-conforming, legal use.

DOT appraiser Mr. DeLucco employed the Sales Comparison Approach and relied on one sale in Middlebury and two sales in Southbury, occurring September-December 2009. Prior to adjustment, the sale prices ranged from \$268,000 to \$330,000. After adjusting for location, site, age, condition, gross living area and design features, the sales indicated a value range from \$329,010 to \$339,130. Consequently, Appraiser DeLucco assigned a value as of November 2010 of **\$335,000**. The DOT offer of \$335,000 was rejected by the Grantor, who presented additional sales data from Southbury and Middlebury that was more recent than the data employed by the DOT appraiser. DOT agreed to increase its payment by to **\$350,000 (+4.5%)**, which was accepted by the Grantor.

Ms. Goodhouse recommended approval of the Administrative Settlement.

PRB # 11 - 068 **Transaction/Contract Type:** RE / Easement Agreement
Origin/Client: DEP
Grantee: Town of Vernon
Property: Phoenix St. Bridge, Vernon, CT

Project Purpose: Permanent Easement and Agreement granted by the Department of Environmental Protection to the Town of Vernon

Item Purpose: Easement area of 1,105 SF is being granted as part of the reconstruction of the Phoenix St. Bridge that crosses over the Tankerhoosen River for the purposes of constructing a concrete headwall, channel and riprap to support the reconstruction of a domestic waterline.

Mr. Dillon said that this request is to allow DEP to grant a permanent utility easement to the Town of Vernon for the purposes of the construction and maintenance of a concrete wing wall, concrete block channel and riprap related to a 12" ductile iron water main. The total easement area is 1,105-SF and also allows the town rights to clear and grub, dewater and install sedimentation controls as required for construction. This work is being completed as part of the Phoenix Street Bridge Reconstruction Project and is detailed on the attached plan sheet with this package.

As part of the review process DEP was also contacted to discuss the applicability and possible impacts of CGS 25-68 which is the Flood Management Statute; regulating state agency actions that are within or impact flood hazard areas as defined by FEMA. DEP has responded to SPRB that the project is subject to flood management which has been approved with conditions.

Mr. Dillon recommended Board approval. The granting of the easement complies with Section 22a-324 of the CGS which gives the Commissioner of DEP the authority to grant easements on state property which had been obtained related to "works of improvements" as defined by statute.

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER - NEW BUSINESS

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OTHER BUSINESS, REAL ESTATE/ARCHITECT-ENGINEER

The Board took the following votes in Open Session:

PRB FILES #11-045, #11-051, #11-052, #11-053, #11-056 and #11-057 – Mr. Norman moved and Mr. Pepe seconded a motion to approve PRB Files #11-045, #11-051, #11-052, #11-053, #11-056 and #11-057. The motion passed unanimously.

PRB FILES #11-035 & #11-064 - Mr. Valengavich moved and Mr. Norman seconded a motion to approve PRB Files #11-035 & #11-064. The motion passed unanimously.

PRB FILE #11-061 - Mr. Norman moved and Mr. Pepe seconded a motion to approve PRB File #11-061. The motion passed unanimously.

PRB FILE #11-068 - Mr. Pepe moved and Mr. Norman seconded a motion to approve PRB File #11-068. The motion passed unanimously.

The meeting adjourned.

APPROVED: _____ **Date:** _____
Bruce Josephy, Secretary